

### REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed January 5, 2009. At the time of the Final Office Action, Claims 11-20 were pending in this Application. Claims 11-20 were rejected. Claims 1-10 were previously cancelled without prejudice or disclaimer. Claims 11-16 and 18-20 is herein amended, and Claim 17 is cancelled without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

#### Rejections under 35 U.S.C. § 112

Claims 11, 19, and 20 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite and failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants submit that these rejections are moot in light of the amendment to the Claims 11, 19, and 20.

#### Rejections under 35 U.S.C. §103

Claims 11-13 and 18-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0036823 filed by Gert-Jan Van Lieshout et al. ("*Van Lieshout*") in view of U.S. Patent No. 6,640,105 issued to Sang Rim Shin et al. ("*Shin*").

Claims 14-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Van Lieshout* in view of *Shin* and U.S. Patent Application Publication No. 2004/0043783 filed by Nicholas William Anderson ("*Anderson*").

Claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Van Lieshout* in view of *Shin* and U.S. Patent No. 6,725,039 issued to Gina Parmar et al. ("*Parmar*").

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Even if each limitation is disclosed in a combination of references, however, a claim composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l*.

*Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). Rather, the Examiner must identify an apparent reason to combine the known elements in the fashion claimed. *Id.* “Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Finally, the reason must be free of the distortion caused by hindsight bias and may not rely on ex post reasoning. *KSR*, 127 S.Ct. at 1742. In addition, evidence that such a combination was uniquely challenging or difficult tends to show that a claim was not obvious. *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007), citing *KSR*, 127 S.Ct. at 1741.

Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, do not teach or suggest every limitation of Applicants’ claims as amended. For example, amended independent Claim 11 recites:

11. A method for transmitting a plurality of group messages to a plurality of radio communication devices in at least one radio cell of a radio communication network operating according to a universal mobile telecommunication system standard, each radio communication device belonging to one or more defined groups suitable to receive group messages corresponding to that defined group, the method comprising:

assigning each group message to a respectively dedicated shared transport channel corresponding to one of the defined groups;

transmitting toward the plurality of radio communication devices data of a particular group message intended for a particular defined group during at least one time interval;

transmitting to the plurality of radio communication devices a first indicator corresponding to the particular defined group during the time interval, such that each of the plurality of radio communication devices can identify the particular defined group based at least on the first indicator to determine whether that radio communication device is suitable to receive the particular group message.

(emphasis added)

Thus, Claim 11 is directed to a method and device for allowing a more efficient decoding of group messages transmitted using a broadcast method in a telecommunication device. To this end, in a radio communication network including a plurality of radio

communication devices, each radio communication device belongs to one or more defined groups suitable to receive group messages (e.g., multicast messages) corresponding to that defined group. Each group message is intended for one (or more than one) of the defined groups, and is assigned to a respective transport channel corresponding that defined group.

Claim 11 provides a method by which each radio communication devices can determine whether incoming group messages correspond to defined groups to which that radio communication device belongs, in order to determine whether the radio communication device is suitable to receive such incoming group messages, and act accordingly (pausing during the receipt of group messages that the radio communication device is not suitable to receive, or forwarding group messages that the radio communication device is suitable to receive). According to the amended claim, data of a particular group message -- intended for a particular defined group -- is transmitted to the plurality of radio communication devices in the network during at least one time interval. In addition, a first indicator corresponding to the particular defined group is transmitted to the plurality of radio communication devices. Each radio communication device can identify the particular defined group based at least on the first indicator in order to determine whether that radio communication device is suitable to receive the particular group message (i.e., based on whether the radio communication device belongs to the particular defined group).

For example, as described in Applicants' specification, the indicator may be a transport format combination indicator (TCFI) that is sent to each radio communication device. Each radio communication device may have access to calculated transport format combination (CTFC) data (e.g., the CTFC tables shown in Figure 4), which data is associated with the TFCI indicator. Different radio communication devices may have different CTFC data, where the CTFC data for each radio communication device indicates the defined groups to which that radio communication device belongs. When a radio communication device receives a TCFI indicator for a particular group message intended for a particular defined group, the radio communication device can access CTFC data corresponding to that TCFI indicator to determine whether the radio communication device belongs to the particular defined group, in order to determine whether the radio communication device is suitable to receive the particular group message.

None of *Van Lieshout, Shin, Anderson, or Parmer*, whether considered alone or in combination, teach these features recited in amended Claim 11. If the Examiner believes that each and every limitation of amended Claim 11 is taught by these references, Applicants request that the Examiner indicate the exact language in each reference that teaches each limitation of amended Claim 11.

For at least these reasons, Applicants believe that amended Claim 11 is allowable over the cited references. Therefore, Applicants respectfully request reconsideration and allowance of Claim 11, as well as all claims that depend from Claim 11. In addition, for analogous reasons, Applicants respectfully request reconsideration and allowance of amended independent Claims 19 and 20.

**Association of Customer Number and Change of Correspondence Address**

Applicants respectfully request that all papers pertaining to the above-captioned patent application be associated with Customer No. **86528**, and direct all correspondence pertaining to this patent application to practitioners at Customer Number **86528**. All telephone calls should be directed to Eric Grabski at 512-457-2030.

**CONCLUSION**

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe respectfully submit a Request for Continued Examination (RCE) Transmittal, and a Petition for a One Month Extension of Time. The Commissioner is authorized to charge the fees of \$810 (RCE) and \$130 (one month extension) to Deposit Account No. 50-4871 of King & Spalding LLP in order to effectuate this filing.

Applicants believe no other fees are due; however, should the Commissioner deem that any additional fees are due, including any fees for any additional extensions of time, the Commissioner is hereby authorized to debit said fees from Deposit Account No. 50-4871.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.457.2030.

Respectfully submitted,  
KING & SPALDING LLP  
Attorneys for Applicants



Eric M. Grabski  
Registration No. 51,749

Date: May 4, 2009

SEND CORRESPONDENCE TO:  
KING & SPALDING LLP  
CUSTOMER ACCOUNT NO. **86528**  
512.457.2030  
512.457.2100 (fax)